

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)

SDCL CHAPTER 16-1A

)

RULE 08-06

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A hearing was held on August 28, 2008, at Pierre, South Dakota, relating to the amendment of SDCL Ch. 16-1A, and the Court having considered the proposed amendment and oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL Ch. 16-1A be and it is hereby amended to read in its entirety as follows:

**Chapter 16-1A,**

**Rule VI. JUDICIAL ETHICS COMMITTEE**

**1. Judicial Ethics Committee and Opinions.**

(a) There shall be an ethics committee of the South Dakota judiciary consisting of two circuit court judges and one magistrate judge. The judicial members shall be selected at the annual judges association meeting. Each member shall serve for a term of three years from the date of the election. A chairperson shall be elected annually by a majority vote of the ethics committee.

(b) Opinions as to the propriety of any act or conduct and the construction or application of any canon shall be provided by the committee upon request from any justice, judge or magistrate, except as to matters relating to judicial campaigns which shall be the exclusive jurisdiction of the Special Committee. If the committee finds the question of limited significance, it may provide an informal opinion to the questioner. If, however, it finds the questions of sufficient general interest and importance, it may render a formal opinion, in which event it shall cause the opinion to be published in complete or synopsis form with the names of the persons involved excised. Likewise, the committee may issue formal opinions on its own motion under such circumstances as it finds appropriate. All opinions shall be adopted by a majority vote of the members of the committee. If a majority vote cannot be obtained, no opinion shall be issued.

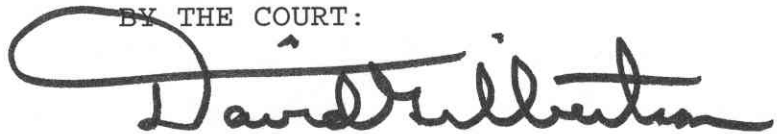
Rule 08-06

(c) Both formal and informal opinions shall be advisory only; however, the Commission and the Supreme Court shall consider reliance by a justice, judge or magistrate upon the ethics committee opinion.

IT IS FURTHER ORDERED that the rule shall become effective November 1, 2008.

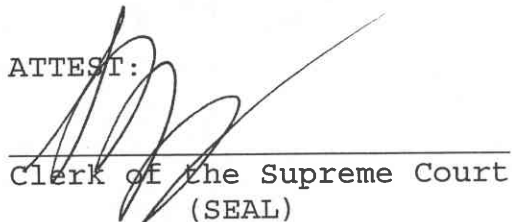
DATED at Pierre, South Dakota, this 17th day of September, 2008.

BY THE COURT:

A large, stylized handwritten signature in black ink, appearing to read "David Gilbertson".

David Gilbertson, Chief Justice

ATTEST:

A large, stylized handwritten signature in black ink, appearing to read "Shirley A. Johnson-Lee".  
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Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
**FILED**

SEP 17 2008

A handwritten signature in black ink, appearing to read "Shirley A. Johnson-Lee".  
Clerk